TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING

Docket Number (Optional)

P.02

DEC 2 7 2005

PTO/SB/25 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office;U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless itdi splays a valid OMB control number.

REJECTION OVER A PENDING "REFERENCE" APPLICATION	1	THERM-08
In re Application of: Roger A. Stern et al.		
Application No.: 10/072,610		
Filed: February 6, 2002		
For: HANDPIECE FOR TREATMENT OF TISSUE		
The owner*, Themage, Inc. , of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/400,156 , filed on March 25, 2003 , as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.		
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of anyp atent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.		
Check either box 1 or 2 below, if appropriate.		
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university,gov emment agency, etc.), the undersigned is empowered to act on behalf of the business/organization.		
I hereby declare that all statements made herein of my own knowledge are true and belief are believed to be true; and further that these statements were made with the knowled made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the statements may jeopardize the validity of the application or any patent issued thereon.	ige that willful:	false statements and the like so
2. The undersigned is an attorney or agent of record. Reg. No. 40,532		
Signature		12/27/05 Uate
David H. Brinkmen		
Typed or printed name		· · · · · · ·
		(513) 241-2324 Telephone Number
Terminal disclaimer fee under 37 CFR 1.20(d) is included.		
XX Please charge fee to Deposit Account No. 23-3000		
WARNING: Information on this form may become public. Credit card be included on this form.Pr ovide credit card information and authority.	information s orization on P	hould not TO-2038.
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (ow Form PTO/SB/96 may be used for making this statement. See MPEP § 324.	wner).	;

From PTO/Stage may be used for making this statement. See MPEP § 324.

This collection of Information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O.Bo x 1450, Alexandria, VA 22313-1450.